

Agenda Item	
	Pledge of Allegiance
A-1	No one wished to be heard during the Open Comment Period.
B-1	Acting President Randy Staver called the meeting to order at 7:00 PM with the following members present: Councilmembers Mark Bilderback, Ed Hruska, Sandra Means, Bruce Snyder, Michael Wojcik. Absent: None. Also present: Mayor Arde F. Brede.
D-1-19	Councilmembers Snyder moved, Bilderback seconded, to approve the following consent agenda items.
D-1	Adopted Resolution No. 101-13 approving the proposed settlement agreement with Zumbro Evangelical Lutheran Church for Project No. J-7732 6 <sup>th</sup> Street Reconstruction reducing the assessment to residential rates from \$74,000 to \$52,000.
D-2	Adopted Resolution No. 102-13 approving the lease agreement with the United States of America for the Transportation Security Administration (TSA) for ten years at the Rochester International Airport.
D-3	Adopted Resolution No. 103-13 approving a Professional Services Agreement with McGhie & Betts Transportation Services, Inc. for Project No. J-6885 "Runway 13-31 Shouldering and Taxiway Improvement Project at the Rochester International Airport" for an amount not to exceed \$291,396.00.
D-4	Adopted Resolution No. 104-13 approving a Professional Services Agreement with TSP, Inc. in the amount of \$12,000 for Project No. J-6889 "Additional Construction Services for the Hanger B Roofing Project and Hanger A/B Exterior Wall Restoration Project at the Rochester International Airport".
D-5	Adopted Resolution No. 105-13 approving a Professional Services Agreement with Mead & Hunt, Inc. in the amount of \$9,094 for Project No. J-6889 "Hanger A/B Exterior Wall Restoration Project at the Rochester International Airport".
D-6	Approved the following licenses and miscellaneous activities permits:  <u>Chicken License</u> Crystal Carlson, 205 13 ½ Avenue SE  <u>Gambling – Premise Permit</u> Olmsted County Hockey Association – at Fat Willys, 4325 Maine Avenue SE  <u>Public Transportation Renewal</u> Dan Moulton dba Specialty Tours, 972 14 <sup>th</sup> Avenue SW

Agenda Item	
	<p><u>Miscellaneous Activities</u></p> <p>Return of the Robin 5K Run – bike trails behind Recreation Center – March 23, 2013 – 10 to 11 AM</p> <p>Meet the Monster 5K – Soldier's Field – April 27, 2013 – 10 AM to 1 PM</p> <p>Mn Ovarian Cancer Alliance – Jefferson Elementary School – April 28, 2013 – 6:30 to 12:30 PM</p> <p>Paws &amp; Claws Petwalk Fundraiser – Cooke Park – May 4, 2013 – 9 AM to 12 Noon</p> <p>MS Walk – Soldier's Field – May 5, 2013 – 10 AM to 3 PM</p> <p>Med-City Marathon – Mayo Civic Center – May 25-26, 2013 – 7 AM to 4 PM</p> <p>American Cancer Society Walk – Mayo Park – June 12, 2013 – 8AM to 2 PM</p> <p>Triathlon Event – Forster Arends Park – June 23, 2013 – 6 AM to 2 PM</p> <p>Zumbro Valley Mental Health Center 3 &amp; 5 K – Silver Lake Park – September 28, 2013 – 8 to 11 AM</p> <p><u>Pyrotechnic Display</u></p> <p>Chuck Majeski for Hairball – Graham Arena – March 23, 2013</p>
D-7	<p>Approved the equivalent transfer of all On-Sale Intoxicating and Sunday Liquor, Wine and Beer licenses previously issued to Rochester BevFlow, Inc., to Rochester BevFlow, Inc. following Javon Bea's acquisition of 100% stock ownership of Rochester BevFlow, Inc. dba Marriott Hotel, Kahler Inn 7 Suites, Kahler Grand Hotel and the Residence Inn &amp; Suites.</p>
D-8	<p>See at end of D Items.</p>
D-9	<p>Adopted Resolution No. 106-13 entering into an Identification and Hold Harmless Agreement with the Mayo Clinic for use of parking spaces in the West Shuttle Parking Lot on Second Street SW for March 19<sup>th</sup>, 2013, and approve staff entering into the same agreement for subsequent elections in 2013.</p>
D-10	<p>Approved setting a public hearing for April 1, 2013, to take public comment on a Commercial Pedal Car Transportation Business Franchise ordinance.</p>
D-11	<p>Approved Accounts Payable of \$3,894,689.80 and Investment Purchases of \$2,992,300.00.</p>
D-12	<p>Approved a partial waiver of Section II(I) of the City's Guidelines and Procedures for conduit debt issuance.</p>
D-13	<p>See at end of D Items.</p>
D-14	<p>See at end of D Items.</p>
D-15	<p>Adopted Resolution No. 107-13 authorizing the negotiated sale of new Electric Utility Revenue Bonds, Series 2013B for the CapX2020 project.</p>

Agenda Item	
D-16	Adopted Resolution Nos. 108-13, 109-13, and 110-13 establishing a Project Hearing for April 1, 2013 and an Assessment Hearing for April 15, 2013, for Project No. S.P. 159-126-11 (J-9563) "Reconstruct TH52 East Frontage Road from 41 <sup>st</sup> Street NW to Pennington Court NW".
D-17	Adopted Resolution No. 111-13 approving the execution of a Pedestrian Facilities Access Agreement with RCS Acquisition, LLC & Swiss Valley Farms Cooperative, for Lots 2 & 3, Block 1, Cascade Industrial Park Subdivision.
D-18	Adopted Resolution No. 114-13 approving the execution of a Pedestrian Facilities Agreement with Brian J. and Stacy L. Velsok for land described as the South ½ of Lot 32, Oak Hills.
D-19	<p>Adopted Resolution No. 115-13 approving an "Enterprise Management System Customer Agreement with Digital Payment Technologies Corporation of Burnaby, British Columbia to provide software support, credit card transfer and data reporting at a cost of \$50.00 per month per machine.</p> <p>Ayes (6), Nays (0). Motion carried.</p>
D-8	<p>Councilmember Means asked if there was the need for a Hold Harmless clause in the event an umbrella or canopy causes injury to an individual or property.</p> <p>Terry Adkins, City Attorney, answered that the City is not liable personal for injury or property damage resulting from the operation of the vending cart and the business owner is required to have coverage under the permit he obtains.</p> <p>Councilmember Wojcik said the ordinance reads that a license transfer does not come before the City Council and also guaranteed renewal if you already have a permit. He felt there may be a problem with an individual unable to get a license due to the fact that some other individual was able to transfer their particular license without Council approval.</p> <p>Terry Adkins said the ordinance does require a transfer to be approved by the Council.</p> <p>Councilmembers Means moved, Wojcik seconded, to approve the recommended changes to RCO 73D Vending Car Ordinance for Subd. 73D.03, Subd. 1 and 12 and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (6), Nays (0). Motion carried.</p>
D-13	Councilmember Wojcik said the packet references an attachment that is not there and asked that it be added to the on-line packet. He said he is appreciative that the company who will be awarded the bid is not a local company but working with many local partners in the community. He asked staff to meet with the local firms, in some cases with lower costs but lower scores, to provide feedback on the rationale as to why they weren't selected.

Agenda Item	
	<p>Councilmembers Wojcik moved, Means seconded, to adopt Resolution No. 116-13 approving an architectural contract with BKV Group of Minneapolis for the new Fire Station #2. Ayes (6), Nays (0). Motion carried.</p>
D-14	<p>Councilmember Means asked why such a short period of time, only until June 30, 2013, for the agreement.</p> <p>Staff felt it was because the State operates on a fiscal year of July 1 through June 30 rather than a calendar year. Steve Kvenvold, City Administrator, will contact the Police Department for further clarification on the agreement period.</p> <p>Councilmembers Means moved, Wojcik seconded, to adopt Resolution No. 117-13 entering into an Annual Plan Agreement with the State of Minnesota through June 30, 2013, for providing armed courtroom security on occasion for the State of Minnesota Office of Administrative Hearings. Ayes (6), Nays (0). Motion carried.</p>
E-1	<p>A Hearing to Consider a Proposal of Olmsted Medical Center, a Minnesota nonprofit corporation, that the City issue its revenue bonds estimated not to exceed \$22,000,000.</p> <p>Having no one wishing to be heard, Acting President Randy Staver closed the hearing.</p> <p>Councilmembers Wojcik moved, Snyder seconded, to adopt Resolution No. 118-13 giving final approval for the City to issue up to \$22,000,000 in health care facilities revenue bonds on behalf of Olmsted Medical Center and approving of the project. Ayes (6), Nays (0). Motion carried.</p>
E-2	<p>A Continued Hearing on Vacation Petition #R2013-001VAC by 2<sup>nd</sup> Street Parking, LLC to vacate the east-west public alley located east of 13<sup>th</sup> Avenue SW, between 1<sup>st</sup> Street SW and 2<sup>nd</sup> Street SW. The alley is adjacent to lots 7-14, Block 5, A. W. Kutzky's Addition.</p> <p>Wishing to be heard was Bill Tointon, McGhie and Betts, representing the applicant. Mr. Tointon stated the applicant met with the neighboring businesses and/or property owners twice since the last City Council Meeting to clarify a few items. He presented the Council with an explanation of the events from those meetings and said there have been meetings with the two neighborhood representatives. He believes they prefer not to see a vacation until they see the final plan. The applicant will continue to work with the neighborhood group. Mr. Tointon stated there are three conditions being recommended by the City staff for approval. The applicant would need to dedicate the alley back to the City if they are unable to produce a final plan that is approvable.</p> <p>Wishing to be heard was Laurel Schacht, General Manager for the Aspen Suites Hotel. Ms. Schacht said the alley currently relieves pressure from their 2<sup>nd</sup> Street entrance, traffic from 1<sup>st</sup> Street, and also traffic from 1<sup>st</sup> Street SW. and the business owners do not want to give up this amenity to their property. Ms. Schacht stated they were told at the last Council meeting that 1<sup>st</sup> Street SW was going to be</p>

Agenda  
Item

improved and widened but have recently learned that this would not be the case. She said they also tested the turn-around space with a garbage truck, and the radius did not work. Ms. Schacht stated it is difficult to agree to the vacation of the alley for just a parking lot to be built and asked if it would be agreeable to leave the alleyway there until the buildings are scheduled to be built. Ms. Schacht stated it is realistic that the plan presented now could be the final plan for a very long time, and this plan is not in the best interest of the City, the property owners of the block, or the neighborhood. She also requested that the access would be a public easement rather than a private easement.

Wishing to be heard was Gus Pasalis, tenant in apartment on property, and uses the alley in question to get to his apartment. Mr. Pasalis stated the parking in the dedicated public alley as shown with yellow on the diagram is often full and most times the alley only allows one car to pass through, not as a two-way alley as stated previously, due to the length of the vehicles that park in these spots and also the vehicles not parking close enough to the wall. He said it would be next to impossible for a fire truck to get through this alley or the alley marked in orange. Mr. Pasalis also stated that the number of vehicles that use the yellow alley during the summer months creates a traffic jam and is a hazard. He is not opposed to the alley being vacated, but something does need to be done about the existing alleyways. If a hotel is built in the area now being designated as a parking lot, the traffic in these two alleys will be even worse.

Wishing to be heard was Peter Pasalis, property owner. Mr. Pasalis stated whenever he has spoken with anyone involved in the project he is given very evasive answers. Mr. Pasalis stated it is difficult to agree with a vacation of the alley without knowing what will become of the property. He is concerned about how his garbage will be serviced if this alley is vacated. He has no problem with the vacation of the alley if given assurances the applicant will not use the alleys for his own needs. Mr. Pasalis was asked how trucks gain access and egress to the alley. Mr. Pasalis presented the Council with photos of the alleys, dumpsters, garbage trucks, parking spaces, etc. He told the Council a garbage truck tried to make the turn radius but was unable to.

Wishing to be heard was Kellie Mueller. Ms. Mueller shared a photo of a development that the neighbors had a concern with previously. The turn lane onto 2<sup>nd</sup> Street is closed down multiple times each week for large delivery trucks that cannot go through the parking lot. Ms. Mueller asked the Council to take the concerns of the business owners seriously and asked that an engineering plan is brought to the Council prior to an alley being vacated. Ms. Mueller stated she was at the Planning and Zoning Commission meeting in which there was not a public hearing on this matter but was told there was special language that was approved between the developer and the City in order to appease the neighborhood. She was told that language states the applicant must agree to dedicate the alley back to the City if they are unable to obtain City final approval of a development plan other than a surface parking lot five years from the date of the resolution.

Wishing to be heard was Gary Fiksdal, property owner. Mr. Fiksdal stated he does not understand why the alley should be vacated. Once the rights of the alley have

Agenda  
Item

been given up, it is difficult to get it back. When he asked a representative for the applicant why this alley could not remain open, he was told the client did not wish to do so but no reason was given. Mr. Fiksdal stated there are a lot ideas being discussed but there are no plans.

Wishing to be heard was Glen Fiksdal, property owner of the yellow alley on the diagram. Mr. Fiksdal stated he does not wish to give up any parking spaces in his lot in order to accommodate a turn-around area.

Wishing to be heard was Andy Masterpole. Mr. Masterpole stated the neighborhood does not support the alley vacation and asked what the public benefit is to vacating this alley at this time. He said a surface parking lot does not fit the goals of anybody and asked why not make the alley a green space. Mr. Masterpole stated the neighborhood has been consistent on alley and street vacations. They do not support vacations until there is a complete plan in place.

Wishing to be heard was Bill Tointon saying there is no final plan for the new access point/turnaround area. The final product put in this location will take its garbage pickup from this area as well. The alley is not the only access that is planned as there will be an access off of 13<sup>th</sup> Avenue that will be more than automotive. Utility companies have been contacted and have no objection to the vacation of the alley in regards to the function of those utilities. Until the time a final project is planning everything will remain the same. Mr. Tointon said he has no control over how business owners position their dumpsters but the plan will allow for garbage truck access. He also stated all site plans need to be approved by the fire department. Gus Pasalis asked who is responsible to maintain the proposed alley and Mr. Tointon stated it is the developer's responsibility.

Wishing to be heard was Tom DeBoer. Mr. DeBoer read a document the Council received from him in June 2012 regarding a vacation request of 1<sup>st</sup> Street NW, stating the petitioner bears the burden of proving uselessness. Mr. DeBoer said he has continued to research this issue and stated that unless it appears that the street or alley or part thereof sought to be vacated is useless for the purpose for which it was laid out, then the vacation is not valid.

Wishing to be heard was Sean Allen. Mr. Allen stated the conversation regarding the garbage truck radius points out a public policy problem. He said the City Council is forcing a situation where these types of issues are not being dealt with and the Council is not able to raise the level of conversation about what they want the City to be doing in these types of situations. There is no public hearing required by City ordinance at the Planning Commission level; therefore, the issue was passed through without hearing the concerns of the people who are affected. Mr. Allen stated the vacation is fine if certain conditions are being met. The first condition should be that the use of the land needs to meet the 2<sup>nd</sup> Street corridor plan. The surface parking lot recommended is against the 2<sup>nd</sup> Street plan. Mr. Allen stated the neighborhood would likely support the vacation when they see a plan that meets the requirements.

Agenda  
Item

Wishing to be heard was Gary Fiksdahl. Mr. Fiksdahl stated there has been a lot of discussion about closing the alley, and he pointed to the problems currently at the 1100 block on 2<sup>nd</sup> Street where the Springhill Suites are. These problems will also occur in this area if the alley is vacated.

Wishing to be heard was Barry Skolnick. Mr. Skolnick stated the issues that are being raised here should have been dealt with before it was brought to the City Council level. Mr. Skolnick also suggested a policy be set that these issues should be worked out before it reaches the Council.

Having no one further wishing to be heard, Acting President Randy Staver closed the hearing.

Councilmember Wojcik stated most parties agree on the very desirable goal of an end development. The plans comply with the 2<sup>nd</sup> Street corridor plan. Mr. Wojcik stated one issue that has not been discussed much but is a concern with the surrounding business owners and neighbors is that the existing properties have had crime associated with them. The City is applying for federal funds for 2017 for the last phase of the 2<sup>nd</sup> Street reconstruction. This cannot be done with the existing setbacks. The City would gain the advantage if the setbacks are met.

Acting President Staver stated there is incentive to see development on this property as it will increase the tax base and lessens burden on the rest of the tax payers. Mr. Staver also stated the revenue from parking would more than likely not meet the debt service on this property; therefore, there would great incentive to the developer to get this property developed as soon as feasible. Mr. Staver stated that if the logistics of the turning radius can be solved, this project should go forward and would benefit all parties.

Councilmember Bilderback stated he is not a fan of parking lots. He also stated that the biggest issue is to figure out a way to make sure the necessary vehicles can access the businesses. Mr. Bilderback also agreed that the developer would not make enough revenue to leave the property as a parking space and pointed out the condition of having an approved plan in five years. Mr. Bilderback stated there needs to be a resolution regarding the access for the neighbors before this issue can move forward.

Councilmember Hruska asked City Attorney Terry Adkins to give a summarization of the Court of Appeals judgment regarding usefulness. Mr. Adkins stated the City's Home Rule Charter reads, "No vacation shall be made unless the common council finds that to do so is in the public interest." Minnesota appellate courts have used a "usefulness" standard in determining whether the public's interests are served by a vacation of a public right-of-way. If that right-of-way no longer serves the public purpose it served when it was initially put into place, then it is no longer useful and can be vacated.

Mr. Hruska stated the testimony heard has shown that the usefulness of this alley is still needed. He said there needs to be a modified version that satisfies everyone

Agenda Item	
E-3	<p>but doesn't feel it can be completed at this time. He would rather take more time to have the neighbors and the developer work the concerns.</p> <p>Councilmember Means stated the alley is still currently useful and it would be a hardship to those who currently use the alley if the alley were vacated. Ms. Means stated she has many reservations about vacating the alley at this point primarily because of the concerns expressed by the businesses and the neighbors. Ms. Means also stated that she would like to see language that states the alley marked in orange will be a public alley.</p> <p>Councilmember Snyder stated he understands the developer has done a good job of working with the neighbors but there are many questions that still need to be addressed. Will the north/south additional access provide the same accessibility? Is there a way to design it such so that it will?</p> <p>Councilmembers Hruska moved, Wojcik seconded, to reopen the public hearing, continue the public hearing to April 1, 2013, and ask the applicant, staff, and property owners to work together to come up with a plan that is agreeable. Ayes (6), Nays (0). Motion carried.</p> <p>A Hearing on Local Improvement Project No. S.P. 5508-117 (J-7212) "65<sup>th</sup> Street NW Interchange including auxiliary lanes on TH52 from 55<sup>th</sup> Street to 65<sup>th</sup> Street".</p> <p>Wishing to be heard was Tom O'Neil, representing Menards. Mr. O'Neil stated after receiving notice of the hearing on this matter, they were surprised by the extent and presence of the proposed special assessments against the Menards' property. Mr. O'Neil stated he is here to register Menards' objection to the special assessments. Menards has been working with City staff under the basis of an existing development agreement and a supplement to that agreement which sets forth a lot of cost obligations on Menards. There was a previous understanding that once the impact fees were paid and once Menards made certain dedications their obligations for the site would be met. Mr. O'Neil stated Menards was surprised to see \$660,000 worth of additional assessments.</p> <p>Richard Freese, Public Works Director, stated that there will not be any additional assessments other than those in the development agreement for Menards. The charges are already in the development agreement and are not additional charges. Mr. Freese stated it would be important for the Council to ask Mr. O'Neil for his position on the project. Mr. O'Neil stated he has been involved in negotiating the supplement to the development agreement.</p> <p>Wishing to be heard was Kevin Kelly, owner of Rainbow Play Systems of Rochester. Mr. Kelly stated he opposes the 65<sup>th</sup> Street interchange funding. His understanding was the Rochester sales tax needed to be approved before the on or off ramps would be built. Mr. Kelly stated he was never informed that select property owners would need to pay more than they already had for these ramps. His business has been in the same location for the past 30 years and originally had easy access. He has had to change the entrance to the business three or four times already and will probably have to change it again with the ramps. Mr. Kelly</p>



Agenda Item	
	<p>stated the funding should not be a special assessment that does not benefit his property.</p> <p>Wishing to be heard was Dennis Keiffer, partner of K&amp;P Properties. Mr. Kieffer stated five years ago they decided to build a commercial subdivision, North Orchard Park Subdivision. They have been waiting for the interchange ramps to be built, are happy that an interchange is being built, but concerned the entrance to 34<sup>th</sup> Avenue is going to be changed. Mr. Keiffer said they own 10 lots in this subdivision and have not sold a lot because of the access to the property. He asked the City Council to bring forth a program to reduce the property taxes in order to sell the lots or provide a concession regarding the TID rate coming due.</p> <p>Wishing to be heard was Kevin Kelly. Mr. Kelly asked how people will be able to access his business. Mr. Freese stated initially it will be the same as today. At some time in the future, MN/Dot will require the City to construct an alternative access.</p> <p>Wishing to be heard was Lenny Laures. Mr. Laures stated he and many of the other residents of Cascade Township also received assessment notices. Mr. Laures asked how the township is taxed and if this is considered a deferred assessment. Mr. Freese agreed that it is.</p> <p>Richard Freese said the law was changed in 2005 that allows the City to construct improvements and charge people outside of the City who benefit from them. They are not obligated to pay that until they are annexed into the City. The assessment is considered deferred until that time.</p> <p>Having no one further wishing to be heard, Acting President Randy Staver closed the hearing.</p> <p>Mr. Freese stated the Council is not setting a hearing date for a special assessment at this point. It has not been decided that the Council is going to use special assessment for funding. By law, the Council is required to have a project hearing before awarding a contract.</p> <p>Councilmember Snyder stated this is an important project for the northwest part of town.</p> <p>Councilmembers Snyder moved, Wojcik seconded, to adopt Resolution Nos. 119-13 and 120-13 ordering the project and preparation of the assessment roll for Project No. SP-5508-117 (J-7212) "65<sup>th</sup> Street NW Interchange Including Auxiliary Lanes on TH52 from 55<sup>th</sup> Street to 65<sup>th</sup> Street". Ayes (6), Nays (0). Motion carried.</p>
E-4	<p>A Hearing on Local Improvement Project No. 6202-3-11 (J-7272) "Reconstruct/Rehab of 2<sup>nd</sup> Street SW from 18<sup>th</sup> Avenue to West Circle Drive".</p> <p>Wishing to be heard was Chuck Kuisle. Mr. Kuisle said he and his wife own a duplex at 2101 2<sup>nd</sup> Street SW and in the fall of 2011 the City of Rochester installed a sidewalk in front of their property. He said they did not request or need the</p>

Agenda  
Item

sidewalk as they have onsite parking and very few people walk by their property as there are no close destinations. At that time, they were charged \$2,670.20 by the City for the new sidewalk, which was paid November 23, 2011. Mr. Kuisle stated now he has received a special assessment invoice from the City in the amount of \$3,314 to have a new sidewalk installed due to the 2<sup>nd</sup> Street Reconstruction project. The report stated the existing sidewalks are aged and in need of replacement. Mr. Kuisle stated on the north side of 2<sup>nd</sup> between 20<sup>th</sup> Avenue and 23<sup>rd</sup> Avenue six of the seven properties have sidewalks less than 10 years old. In addition, on the south side of 2<sup>nd</sup> at 20<sup>th</sup> Avenue there are also properties with new sidewalks. He asked the Council to replace the old sidewalks that need it but leave the new sidewalks alone. He does not have a problem with the street assessment since the storm sewer definitely needs to be updated.

Richard Freese, Public Works Director, said Mr. Kuisle will be given credit for the number of years on a prorated basis. He will meet with Mr. Kuisle to get the correct amount.

Wishing to be heard was Dick Saterdalen. Mr. Saterdalen stated his sidewalks are new but also received assessments. He had his property for sale and had a buyer, but when the assessment was received in the mail, the buyer backed out. Mr. Saterdalen stated this will more than likely be a two-year project and it will hurt his business. The divider that is being placed in the center of 2<sup>nd</sup> Street will cause traffic to pass his business and turn around to come back, hinder his business and will put him out of business. Mr. Saterdalen stated he opposes the assessments against his property.

Wishing to be heard is Brenda Travis. Ms. Travis stated she is concerned about removing two lanes of traffic from West Circle Drive and what that will do to the traffic. Ms. Travis stated she objects to the removal of two lanes of traffic.

Having no one further wishing to be heard, Acting President Randy Staver closed the hearing.

Councilmembers Wojcik moved, Hruska seconded, to adopt Resolution Nos. 121-13 and 122-13 ordering the project and preparation of the assessment roll for Project No. 6202-3-11 (J-7272) "Reconstruct/Rehab of 2<sup>nd</sup> Street SW from 18<sup>th</sup> Avenue to West Circle Drive". Discussion.

George Calebaugh, Traffic Engineer, said the City looked at what the traffic numbers are for today and determined that a three-lane road should handle the amount of traffic for this area. A three-lane road is safer than a four lane undivided road. Mr. Calebaugh stated stop lights would platoon traffic which will allow gaps in traffic created by stoplights. In regards to traffic volumes, the three lane versus the four lane are similar until it comes to the 15,000 car/day which starts to get a much higher amount of delay than the four lane would have. Mr. Calebaugh said the section of the road where Mr. Saterdalen's business is will be left as a four lane. Median openings will be at each intersection with turn lanes at each avenue. Every business will have a left turn within half a block of where they are located.

Agenda Item	
	<p>In answer to a question from Councilmember Wojcik, Larry Koshire of RPU stated there has been discussion on the feasibility of undergrounding the electric utilities in the area although the costs are fairly extensive. He stated the interim plan is that as 2<sup>nd</sup> Street is redone, RPU will do what they can to put pipe in and bury the crossings on 2<sup>nd</sup> Street. On the north side, they will work with Public Works to install conduits to prepare for future underground needs and taller poles will be installed as they rebuild the overhead lines. In answer to a question from Councilmember Snyder, Mr. Koshire said before technology had increased the useful life span, underground lines were 30-40 years and overhead could be 50 years, but right now considering maintenance costs, they are equal. In terms of ice storms, car hit poles, squirrels, etc. underground is deemed somewhat more reliable. Councilmember Hruska asked about the cost and funding for underground services. Mr. Koshire clarified that there are no funding sources available to pay for the underground installation.</p> <p>Richard Freese reminded Council this is a project hearing. Testimony was received on the assessments. This testimony must be provided in writing; therefore, the testimony received tonight is not valid as a legal objection. Mr. Freese stated the objection must be filed in writing or with an appearance at the assessment hearing.</p> <p>Acting President Staver stated he is not in support of narrowing the lanes from 23<sup>rd</sup> to West Circle Drive, but since it is the same road width and can be changed back if this does not work, he can support based on that. Mr. Staver also agrees that if there is an opportunity to bury the conduit for future use at minimal cost it would be appropriate to support that incremental cost but not the full \$1.2 million.</p> <p>Ayes (6), Nays (0). Motion carried.</p>
E-5	<p>A Hearing on Local Improvement Project No. 6216-2-09 (J-7267) "Reconstruct 16<sup>th</sup> Street SE from Broadway to 3<sup>rd</sup> Avenue SE".</p> <p>Wishing to be heard was Rob Stefanowitz, attorney with Larkin Hoffman law firm in Minneapolis, representing property owners on the south side of 16<sup>th</sup> Street SE with the exception of the County Fairground property. Mr. Stefanowitz stated he submitted an objection letter to the City Clerk stating his clients are opposed to the project being funded in part by special assessments. He said the black-letter law on special assessments is that the property must receive a special benefit; that is, there must be an increase in the property value as a result of the improvements and that increase in the market value must meet or exceed the amount of the special benefit. Mr. Stefanowitz stated it is their position that the reconstruction of 16<sup>th</sup> Street does not confer a special benefit, and therefore, the special assessments are not appropriate. Mr. Stefanowitz stated he understands this is the project hearing and not the hearing on the assessments. Mr. Stefanowitz stated his clients wanted the Council to know their position and that they intend to challenge adoption of these assessments in district court.</p> <p>Having no one further wishing to be heard, Acting President Randy Staver closed the hearing.</p>

Agenda Item	
	<p>Councilmember Wojcik asked Mr. Newman for an update on the special taxing districts for public works improvements. Mr. Newman stated the bill has more support than ever and is making progress. Mr. Wojcik stated this bill would allow districts to be created in order to spread out the costs for these projects rather than just assessing the adjacent property owners.</p> <p>Councilmembers Wojcik moved, Hruska seconded, to adopt Resolution Nos. 123-13 and 124-13 ordering the project and preparation of the assessment roll for Project No. 6216-2-09 (J-7267) "Reconstruct 16<sup>th</sup> Street SE from Broadway to 3<sup>rd</sup> Avenue SE". Ayes (6), Nays (0). Motion carried.</p>
E-6	<p>A Hearing to Consider Proposed Assessment on Unpaid Utility Charges for Project No. 7025 "Electric, Sewer, Water and Storm Sewer Delinquent Charges".</p> <p>Having no one wishing to be heard, Acting President Randy Staver closed the hearing.</p> <p>Councilmembers Snyder moved, Wojcik seconded, to adopt Resolution No. 125-13 approving the assessments as modified by the recommendations of City staff for Project No. 7025 "Electric, Sewer, Water and Storm Sewer Delinquent Charges". Ayes (6), Nays (0). Motion carried.</p>
E-7	<p>A Hearing to Consider Proposed Assessment on Unpaid Special Charges for Project No. 7021 – Weed Eradication, Project No. 7022 – Snow Removal, Project No. 723 – Debris Removal, Project No. 7024 – Tree Removal, Project No. 7035 – Sidewalk Repair.</p> <p>Having no one wishing to be heard, Acting President Randy Staver closed the hearing.</p> <p>Councilmembers Bilderback moved, Means seconded, to adopt Resolution No. 126-13 approving the assessments as modified by the recommendations of City staff for Project No. 7021 – Weed Eradication, Project No. 7022 – Snow Removal, Project No. 723 – Debris Removal, Project No. 7024 – Tree Removal, Project No. 7035 – Sidewalk Repair. Ayes (6), Nays (0). Motion carried.</p>
F-1	<p>Councilmembers Hruska moved, Snyder seconded, to approve the following Sound Amplification Permit requests:</p> <p><u>Waive the Maximum Allowable Sound Pressure Until 10:30 PM</u></p> <p>Med-City Marathon – Mayo Civic Center – May 25-26, 2013 – 7 AM to 4 PM</p> <p>Olmsted County Fair – Grandstand – July 24-29, 2013</p> <p>Music &amp; Movies in the Park – Slatterly Park – August 10, 2013 – 4:00 to 11:00 PM</p> <p><u>Maximum Allowable Sound Pressure Level No More Than 85 Decibels</u></p> <p>Mn Ovarian Cancer Alliance – Jefferson Elementary School – April 28, 2013 – 6:30 to 12:30 PM</p>

Agenda Item	
	<p>MS Walk – Soldier's Field – May 5, 2013 – 10 AM to 3 PMW American Cancer Society Walk – Mayo Park – June 12, 2013 – 8 AM to 2 PM Triathlon Event – Foster Arends Park – June 23, 2013 – 6 AM to 2 PM</p> <p>Ayes (6), Nays (0). Motion carried.</p>
G-2a	<p>An Ordinance Amending and Reenacting Subdivisions 1 and 12 of Section 73D.03 of the Rochester Code of Ordinances, Relating to the Issuance of a Vending Cart Permit and Promotion of the Cart, was given a first reading.</p> <p>Councilmembers Snyder moved, Hruska seconded, to suspend the rules and give the ordinance a second reading. Ayes (6), Nays (0). Motion carried. The ordinance was given a second reading. Councilmembers Wojcik moved, Hruska seconded, to adopt the ordinance as read. Ayes (6), Nays (0). Motion carried.</p>
H-1	<p>Councilmembers Hruska moved, Bilderback seconded, to remove the item from the table. Ayes (6), Nays (0). Motion carried.</p> <p>Councilmember Hruska noted the memo from Jacob Ryg, City Forester, telling that companies do not want to bid on a low amount of trees. Only 5 trees were purchased in 2011-2012. Trees used in developments are usually purchased and planted by the developer. If City staff planted those trees, the cost would double the price to the developer. The boulevard tree planting program is done through a grant.</p> <p>Councilmembers Hruska moved, Bilderback seconded, to adopt Resolution No. 127-13 approving the 2013 Boulevard Tree Planting Cost at \$275.75 per tree. Ayes (6), Nays (0). Motion carried.</p>
I-1	<p>Councilmember Hruska distributed a memo asking the Council to consider not posting the position of Director of Park and Recreation and Director of Recreation until two options have been considered: (1) The City look at the re-assigning of duties and tasks in hopes of eliminating one, possibly two, FTE's with a savings of \$50,000 to \$200,000, depending on the outcomes, and (2) Look at the option of merging both the City and County Park Departments together. He also asked that an AdHoc Committee be created to review and assess the options. The makeup of the Committee would be a member of the Council, a member each of the City and County the Park Board, a member each of the City and County Park and Recreation Departments as well as possible other members.</p> <p>Mayor Brede cautioned the Council to be cautious in going forward and with the motion. He indicated the Park Board, City staff and he had not been consulted on the proposed hiring freeze or the merger of the departments. Mayor Brede indicated that the same type of review has been done in the past. He asked that the Council delay a decision until the April 1, 2013, meeting to gather background information and check on City Charter implications. Discussion.</p>

Agenda  
Item

Councilmembers Snyder moved, Wojcik seconded, to direct staff to not post these positions at this time, but to freeze these positions, and to set up an ad hoc committee to investigate the potential for internal department reorganization or consolidation with the County Park Department. The composition of the committee would be as Mr. Hruska outlined in his memo with one of the members being Councilmember Hruska.

Council agreed on freezing the positions and establishing an adhoc committee with Councilmember Hruska serving as the Chair of the committee and the Council representative. The budget shall not be used to pay for the positions after the particular retirements have occurred but would pay for an interim director position under the Park Board budget.

Councilmember Snyder moved, Means seconded, to approve a substitute motion to direct the Human Resources Department not to post the full-time permanent positions of Director of Park and Recreation and Director of Recreation, and to direct the Finance Department not to fund the permanent full-time positions of Director of Park and Recreation following the retirements of Ron Bastian and Steve Browning until directed otherwise by the City Council, and to set up an ad hoc committee to investigate the potential for internal department reorganization or consolidation with the County Park Department.

The motion would allow the Park Board to appoint and pay for an interim director but would prevent the budget from being used to pay for permanent replacements for either position until the Council decides its next step.

Councilmember Snyder moved, Wojcik seconded, to approve the substitute motion taking the place of the first motion. Ayes (6), Nays (0). Motion carried.

Councilmember Snyder moved, Means seconded, to adopt the substituted motion. Ayes (6), Nays (0). Motion carried.

J-1

Having no further business, Councilmembers Snyder moved, Bilderback seconded, to recess the meeting to 2:00 PM on March 21, 2013, to conduct the canvass for the Special Primary Election to be held on March 19, 2013. Ayes (6), Nays (0). Motion carried.

  
City Clerk